IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 9TH AUGUST 2006 / 18TH SRAVANA 1928

Bail Appl..No. 4604 of 2006

AGAINST THE ORDER DATED 17/07/2006 IN ORDER IN CMP.6469/2006 of J.M.F.C.,MAVELIKKARA
CRIME NO.174/2006 OF MAVELIKKARA EXCISE RANGE

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PETITIONER

KUNJUMON,S/O.PAPPY,
SHERIN VILLA, KANNIMEL MURI,
VETTIYAR VILLAGE, MAVELIKARA.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR,
MAVELIKARA EXCISE RANGE.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4604/2006

DATED THIS THE 9TH DAY OF AUGUST, 2006

O R D E R

The petitioner is accused of the offence punishable under Section 55(a) of the Abkari Act, in C.R.No.174/2006 of Mavelikkara Excise Range, as he was found in illegal possession of 35 liters of spirit, on 12.7.2006. The petitioner remains in judicial custody, from 13.7.2006.

2. When the application came up for consideration, the learned Public Prosecutor submitted that the petitioner is also accused of offence, under the Abkari Act, in two other incidents.

3. The learned counsel appearing for the petitioner brought to my notice that the petitioner is undergoing treatment while in jail, having admitted in the medical college hospital, Alappuzha. I, therefore, directed the public Prosecutor to verify the fact and he submitted that the petitioner is admitted in the medical college

hospital, Alappuzha. A copy of the discharge card is submitted by the learned counsel, and it reveal that the petitioner is suffering from chronic pancreatitis and he is having swelling on both the legs and further having gastro problems.

4. As the petitioner is accused in number of cases under the Abkari Act, and he is not entitled for bail in the usual course, because of his continued treatment and other ailments, which are brought to my notice, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Mavelikkara.

(b). After discharge from the hospital, the petitioner shall report before the Investigating Officer once in a week on every Wednesday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 16.8.2006.

(c). The petitioner shall not leave the Sessions Division of Alappuzha, till the disposal of the case pending against him, under the Abkari Act.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs